

SENATE BILL 1405

By Southerland

AN ACT to amend Chapter 235 of the Private Acts of 1947; and any other acts amendatory thereto; to repeal Chapter 337 of the Private Acts of 1972, relative to a juvenile court in Hamblen County, and any other acts amendatory thereto; to repeal Chapter 21 of the Private Acts of 2001, relative to a part-time general sessions court in Hamblen County, and any other acts amendatory thereto; and to create a full-time general sessions court in Hamblen County with juvenile jurisdiction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Effective September 1, 2014, Chapter 337 of the Private Acts of 1972, and all other acts amendatory thereto, is hereby repealed. Effective September 1, 2014, Chapter 21 of the Private Acts of 2001, and all other acts amendatory thereto, is hereby repealed. It is the intent of the General Assembly to abolish the part-time general sessions court of Hamblen County, to abolish the juvenile court of Hamblen County, and to create a second full-time general sessions court of Hamblen County with juvenile jurisdiction.

SECTION 2. As used in this act:

(1) "Division I court" means the full-time general sessions court of Hamblen County created by Chapter 235 of the Private Acts of 1947, as amended by Chapter 621 of the Private Acts of 1949, Chapter 374 of the Private Acts of 1951, Chapter 18 of the Private Acts of 1963, Chapter 337 of the Private Acts of 1972, Chapter 273 of the Private Acts of 1974, Chapter 161 of the Private Acts of 1990, Chapter 21 of the Private Acts of 2001, and Chapter 73 of the Private Acts of 2004; and any other acts amendatory thereto; and

(2) "Division II court" means the full-time general sessions court of Hamblen County created by this act.

SECTION 3. In addition to the Division I court and the judge authorized by Chapter 235 of the Private Acts of 1947, and any other acts amendatory thereto, to serve the Division I court, there is created, in Hamblen County, a second full-time general sessions court to be known and designated as the Division II court.

SECTION 4. There is conferred upon the Division II court created by this act the jurisdiction, power, and authority concurrent with the Division I court over all cases. Nothing in this act shall restrict the ability of the general sessions judges of both courts to participate in interchange with each other should cause exist making an interchange necessary or for mutual convenience under the provisions of Tennessee Code Annotated § 17-2-208.

SECTION 5. There is created the office of judge of the Division II court of Hamblen County. The Division II court created by this act shall be a court of record and shall be presided over by a full time judge who shall have the qualifications and salary provided by this act.

SECTION 6. At the regular August general election in 2014, the qualified voters of Hamblen County shall elect both general sessions judges of the Division I and Division II courts to serve full eight (8) year terms that begin September 1, 2014, and until the first day of September, 2022, and until the judges' successors are elected and qualified. At the regular August general election of 2022, and thereafter, every eight (8) years, the judges shall be elected by the qualified voters of Hamblen County. Persons elected to serve as the Division I and Division II court judges shall be attorneys, duly licensed to practice law in the courts of this state, and shall possess all qualifications of judges of inferior courts, as required by law.

SECTION 7. Effective September 1, 2014, the offices of the juvenile court of Hamblen County and the part-time general sessions court of Hamblen County are abolished. It is the intent of the general assembly to transfer all authority, power, and jurisdiction previously held by the juvenile court in Hamblen County to the Division II court created by this act. Nothing in this act shall be construed as reducing the term of office of the current juvenile court judge or the current part-time general sessions judge of Hamblen County. Such persons shall continue to serve in that capacity and retain all powers and responsibilities of the offices until the expiration of the current term on August 31, 2014, or until such judges vacate office, whichever occurs

first. In the case of a vacancy in the offices of juvenile court judge or part-time general sessions court judge of Hamblen County prior to August 31, 2014, the Division I court judge of Hamblen County shall be appointed to serve as the judge of the court or courts until the expiration of the term.

SECTION 8. Effective September 1, 2014, there is hereby conferred upon the Division II court created by this act and clerk of such court the jurisdiction, power, duties, and authority over all juvenile matters vested in the juvenile courts and clerks of the state by Tennessee Code Annotated, Title 37 or any other general law. Chapter 235 of the Private Acts of 1947, and all acts amendatory thereto, are amended to provide that the Division I court is vested with juvenile court jurisdiction concurrent with the Division II court to hear and determine juvenile matters; provided, that the Division II court shall have primary jurisdiction, powers, and authority over all civil and juvenile matters. The Division I court shall have primary jurisdiction, powers, and authority over all criminal matters and orders of protection. The two general sessions judges shall decide which division is assigned Drug Recovery Court.

SECTION 9. All unfinished and pending matters in the juvenile court of Hamblen County prior to the date this act takes effect, shall be transferred to the Division II court created by this act at the close of business on the day preceding the day this act becomes effective. On such date, all official books, records, and other documents pertaining to any matter within the jurisdiction of the juvenile court of Hamblen County shall be delivered to the Division II court. Nothing in this act shall be construed as invalidating or altering any judgment, order, decree, or other determination of the juvenile court that was adjudicated by the juvenile court pursuant to the authority of Chapter 337 of the Private Acts of 1972, or any other acts amendatory thereto, and all such judgments, orders, decrees, and other determinations shall remain valid and binding.

SECTION 10. Effective September 1, 2014, the clerk of the Division I court shall also serve as clerk of the Division II court created by this act and any of such clerk's deputies shall also be deputies for the Division II court created by this act, but the clerk shall keep separate books, give separate bonds, and in all respects keep the business of the Division II court separate from the business of the Division I court.

SECTION 11. This act shall have no effect, unless it is approved by a two-thirds (2/3) vote of the legislative body of Hamblen County prior to July 1, 2014. Its approval or non-approval shall be proclaimed by the presiding officer of the Hamblen County legislative body and certified by the presiding officer to the secretary of state.

SECTION 12. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.